

## REMARKS

### **I. Amendments. Rejections under 35 U.S.C. §101 and §112**

#### **A. Rejections under §101**

On page 2 of the Office Action, the Examiner incorrectly states that claims 1-28, 47-50, and 60-66 are rejected under 35 U.S.C. §101 since the claim language allegedly does not transforming the underlying subject matter *and* the process is not tied to another statutory class. The correct articulation of the test is “machine *or* transformation”.

Applicants have amended claims 1, 47, and 60 to recite that the method is a *computer-implemented* method. Accordingly, these claims are now tied to a computer and therefore are directed to statutory subject matter.

The Examiner also alleges that claims 60-66 fail to produce a concrete result and therefore are directed to non-statutory subject matter. Although Applicants disagree with the rejection, Applicants have amended claim 60 to recite that the method retrieves, from the inventory system, booking data related to at least one facility, provides a quote for the booking, and updates the inventory system to reflect removal of a booked facility from the inventory system. That is, the system updates the inventory system to indicate that the reserved facility, such as a room, cabin, airline seat, etc. is no longer available for booking until released. Consequently, amended claims 60-66 produce a concrete result and are directed to statutory subject matter.

Claims 29-46 and 51-59 are rejected under 35 U.S.C. §101 as allegedly lacking structures or functional elements which are required in an apparatus claim. These claims have been amended to recite that the system is a computer system comprising a processor, memory means, and a display screen. Support for a processor is provided by the specification at paragraphs [0011], [0014], and [0044]; and Fig. 2, disclosing logic control module 228. Support for memory means is provided by the specification at paragraph [0040] disclosing a central repository. Support for a display screen is provided by the specification at paragraph [0099].

Claims 30-53 are also rejected under §101 for reciting “wherein the customer entity comprises a customer”, as this quoted language allegedly encompasses a human being. Applicants disagree. Although claim 30 recites an optional embodiment wherein the customer entity comprises a customer, and claim 53 recites that an optional embodiment wherein the system is operated by a customer who may be a natural person, these claims are directed to a

computer system and not to an individual or a natural person. These claims more particularly describe the type of customer entity without attempting to claim a human being. Consequently, these claims are directed to statutory subject matter.

In view of the claim amendments and remarks herein, Applicants request withdrawal of the rejections under §101.

#### **B. Rejections under §112**

Claims 2, 47-50, and 60-66 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Specifically, the Examiner alleges that in claim 2, the claim is unclear and that there is no positive recitation in the claim. Claim 2 has been amended to clarify that the quote is generated using data which is supplemental to the central inventory system. Support for the amendment is provided by paragraph [0045] of the specification.

The Examiner alleges that in claim 47, steps (f) and (g), the expression “[a] signal reflecting acceptance of the quote” is vague and indefinite. Applicants have amended the claim to replace the term “signal” with the term “confirmation”.

The Examiner alleges that in claim 60, step (b), there is insufficient antecedent basis for the expression “the booking data”. Applicants have amended step (a) of the claim to provide antecedent basis for this expression.

The Examiner alleges that in claim 62, it is unclear how the step “refraining from determining a price for the facilities of the business entity” is carried out. Applicants have amended the claim to recite that pricing of facilities is furnished by a revenue management system. Support is provided by the specification at paragraph [0052].

In view of the claim amendments and remarks herein, Applicants request withdrawal of the rejections under §112.

#### **II. The present invention**

The pending claims are directed to methods and systems for managing reservations and facilities for a hospitality organization. Traditionally, facilities such as rooms, cabins, and airline seats, were allotted in lots to particular vendors or resellers. These allotments were dictated by management, and not by a particular property management system. As a result, sometimes particular resellers had unsold facilities, whereas other resellers completely sold out their allotted

facilities and had to turn away prospective patrons. Such facilities allotments prevented the full deployment of revenue maximization tools, and thereby yielded less-than-maximal revenue for the facilities.

Applicants have developed a system which does not rely upon allotments among resellers to fill facilities. According to Applicants' invention, there is a centralized inventory system through which users obtain access to the facilities. The centralized inventory system consists of a database which contains all the information required to provide price quotes and take reservations while maximizing yields. The centralized inventory system may comprise various modules such as a revenue management engine, a business intelligence module, and a sales force automation module. These modules may be conveniently deployed as tables within the database.

Advantageously, Applicants' invention allows the hospitality organization to use revenue management tools for *all* of its facilities. The disuse of pre-allotments allows all users to see the availability of all facilities, and to fully benefit from features such as customer loyalty programs. Accordingly, customers attempting to book a facility will not encounter the prior art problems associated with pre-allotments.

### **III. Rejection under 35 U.S.C. §102(e)**

Claims 29-46, 51-59, and 60-66 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by US 7,328,166 to Geoghegan et al. ("Geoghegan"). The Examiner alleges that Geoghegan discloses a hospitality management system for providing quotes associated with facilities of geographically distributed entities of a hospitality management system having the features of Applicants' claims.

Anticipation requires that each and every feature of the pending claims be disclosed, either expressly or inherently, in a single prior art reference. Applicants submit that Geoghegan does not anticipate the rejected claims.

#### **1. Geoghegan discloses synchronization of a federation of databases and not a single repository of data.**

Geoghegan discloses a reservation system and methodology in which all changes to a database in a federation are communicated to all of the other databases in the federation (Abstract; and col. 4, lines 45-56). In a preferred embodiment, Geoghegan utilizes Internet-

accessible “wrappers” that provide “facades” for the installed databases systems (col. 5, lines 21-25). These facades allow for synchronization of all databases in the federation and provide one view of inventory (col. 5, lines 41-46). Although a user of Geoghegan’s system may obtain this one view of inventory, the system nevertheless utilizes a plurality of databases which are federated for data storage, and these databases are not a single entity. In other words, Geoghegan displays a single “front end” to the user, but the “back end” consists of multiple databases that need to be synchronized to ensure consistency.

Applicants have amended claims 29, 51, and 60 to clarify that the single centralized inventory system of the amended claims is configured for storage and retrieval of all data associated with booking of facilities. That is, in contrast to Geoghegan, Applicants utilize a single centralized hospitality database, i.e. a single repository, to store all data associated with the performance of the invention (para. [0016]). Such a feature allows the hospitality organization to optimize yield management and derive maximum value from its properties. In accordance with Applicant’s invention, there is a single “front end” providing a unified interface to the user, and a single “back end” which utilizes one database to store all the data required for providing price quotes and taking reservations.

## **2. Geoghegan teaches against the claimed invention.**

Geoghegan discloses two optional approaches for viewing inventory of a hospitality provider. In the first approach, all availability queries are conditionally or ultimately delegated to a single source of availability information. Applicants utilize such an approach in their invention, wherein all inventory data is stored in a single database and all queries for facilities availability take place in this database. Geoghegan states that this approach, i.e., the claimed invention, requires modification to the behavior of products comprising the installed bases of global distribution systems, property management systems, and central reservation systems. Geoghegan concludes that this approach is not realistic (col. 4, lines 45-54).

Instead, Geoghegan advocates a second approach to viewing inventory, which takes steps to ensure that all changes to a database in a federation are reliably communicated to the other databases in the federation (col. 4, lines 45-56). Geoghegan’s methodology utilizes this second approach for providing inventory information. As discussed above, Geoghegan’s disclosure relies upon updating of the databases in the federation for the generation of quotes.

In view of this disclosure by Geoghegan, Applicants submit that Geoghegan teaches away from the amended claims. Geoghegan purports that there are serious deficiencies to consolidating database information into a single source, and therefore utilizes a federation approach. In contrast to Geoghegan, Applicants have found that consolidation of databases into a single database provides superior results and facilitates higher profitability for the involved properties. Such advantageous properties are not disclosed or contemplated by Geoghegan.

Consequently, the pending claims are not anticipated by Geoghegan and the rejection of the claims under §102(e) is improper and should be withdrawn.

#### **IV. Rejection under 35 U.S.C. §103(a)**

Claims 1-18 and 47-50 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Geoghegan alone or further in view of US 2005/0033613 to Patullo et al. (“Patullo”).

Applicants submit that the comments in Section III, above, regarding the rejection of the claims under §102(e) are applicable and therefore responsive to the rejection under §103(a). In brief, Geoghegan does not disclose the claimed subject matter, and furthermore teaches away from Applicants’ approach of utilizing a single hospitality database for pricing and booking of facilities. Consequently, Geoghegan cannot suggest Applicants’ claims.

Applicants submit that Patullo does not remedy the deficiencies of Geoghegan to suggest the pending claims.

Patullo is directed to a reservation system for making travel arrangements via a computer network (Abstract). Patullo is mainly directed to providing automated methods of making and confirming travel arrangements without the need for speaking with or contacting a live human being (para. [0002]).

Patullo discloses that the reservation system comprises various hardware, including a web server **110**, a flight data server **130**, resort/airfare database **120**, and a central reservation system **150** (para. [0048]). A duplicate of the data stored in the central reservation system is also stored in the resort/airfare database (para. [0050]).

Applicants submit this disclosure of a plurality of databases is cumulative to Geoghegan’s disclosure of a federation of databases. Applicants also submit that the duplication of data

between the central reservation system and the resort/airfare database is cumulative to Geoghegan's disclosure of changes in one database being propagated to all the other databases in the federation.

Consequently, neither Geoghegan nor Patullo, whether taken alone or in combination, suggests the claimed invention. A *prima facie* case of obviousness has not been established. Withdrawal of the rejection under 35 U.S.C. §103(a) is requested.

#### **V. Conclusion**

Applicants submit that the pending claims have been distinguished over the art of record and are in condition for allowance, which action is urgently requested.

Authorization is hereby given to charge any fee which may be due in connection with this communication to Deposit Account 23-1703.

Dated: March 11, 2009

Respectfully submitted,

/Andrew Fessak/  
Andrew Fessak, Reg. No. 48,528  
Customer Number: 007470  
Direct Dial: (212) 819-8437